

CORRES. CONTROL
INCOMING LTR NO.

00369 RF 04

DUE DATE

ACTION

[illegible]

Reviewed for Addressee
Corres. Control RFP

08/31/04 *mj*
Date By

Ref. Ltr. #

DOE ORDER #

5400

RECEIVED

2004 AUG 31 A 7:30

CORRESPONDENCE
CONTROL



Colorado Department
of Public Health
and Environment



August 23, 2004

Mr. Joe Legare
Assistant Administrator for Environment and Stewardship
U.S. Department of Energy-RFFO
10808 Highway 93, Unit A
Golden CO 80403-8200

RE: IM/TRA and RCRA Closure of the Present Landfill (August 2004)

Dear Mr. Legare:

Responses to comments from both our agencies on the *Final Interim Measures/Interim Remedial Action for IHSS 114 and RCRA Closure of the RFETS Present Landfill* are satisfactory and the document including replacement pages transmitted on 8/20/04, is approved.

Approval by the Environmental Protection Agency (EPA) constitutes Lead Regulatory Agency approval of the proposed CERCLA remedy presented in this decision document in accordance with RFCA ¶118. This approval also confirms that the substantive requirements of a NPDES permit (40 CFR Part 122) are met by this decision document. Final design criteria, not included in this decision document, must subsequently be approved prior to remedy implementation.

State approval is specific to the applicable landfill closure requirements in 6 CCR 1007-3 Part 265.310(a). The Present Landfill is subject to the post-closure requirements of 6 CCR 1007-3, §§ 265.117 to 265.121. As you know, absent a satisfactory resolution of the disagreement over the State's authority to require an environmental covenant, the State intends to utilize a post-closure permit as the mechanism for implementing these requirements. The State will notify you of the date for submitting the post-closure permit by separate correspondence. This approval also verifies that the leachate collection and treatment system is exempt from hazardous waste requirements for wastewater treatment units (§100.00(a)(6) and §265.1(c)(10)).

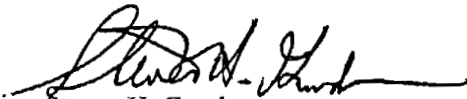
One of the additions to this final version of the IM/IRA is the proposal to place the East Landfill Pond sediments onto the landfill under the cover. This action is considered to take place within a single area of contamination and therefore does not trigger any potential Land Disposal Restrictions.

ADMIN RECORD

BZ-A-000730

If you have any questions please contact us at 303-312-6251 (Mark) or 303-692-3367 (Steve).

Sincerely,



Steven H. Gunderson
RFCA Project Coordinator
Colorado Department of Public
Health and Environment



Mark Aguilar
Rocky Flats Project Manager
Environmental Protection Agency

cc: Dave Shelton, K-H
Mark Sattelberg, USF&WS
Dan Miller, AGO
Administrative Record, T130G

